

# **Montana E-Mail Guidelines**

## **A Management Guide for the Retention of E-Mail Records for Montana State Government**

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E-mail is an easy and efficient communication tool available to employees of state government. In many respects, e-mail has overtaken the telephone as the medium most often used to communicate with one another about daily business. Unlike the telephone, however, e-mail creates a written record of communication that is included in the definition of a state public record. Like all other electronic records, e-mail is subject to the same retention requirements as any other public record, governed under MCA Title 2, Chapter 6. These e-mail guidelines, along with approved retention schedules, promote best practices in determining whether e-mail should be retained, for how long, and how employees can efficiently manage e-mail filing and retention.

This document provides guidance, not policy or requirements, to agencies addressing record and information standards of and management approaches to e-mail in Montana state government. It outlines legal, administrative and other record values, along with practical management options. Effective records and information management (RIM) associates public records with Record Retention Schedules, formerly adopted by the State Records Committee. In an electronic world, filing practices differ from traditional paper record keeping. More responsibility lies on each user for document classifying (filing). This guide is intended to ease practical application.

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## What Is E-Mail?

*E-mail is a public document*, created or received on an electronic mail system, as an e-mail message, consisting of informal notes; formal correspondence; procedural or policy substantive narratives; calendar events and any electronic record attachment(s) transmitted with the message. E-mail received (incoming) or created (sent), in the course of state business, is a public record as defined under section 2-6-202, MCA. E-mail that is a public record is subject to the rules of §2-6-205, §2-6-212, 2-6-213 MCA governing records and information management.

E-mail retention should be retained based on an e-mail's content, not its format or size. Therefore, clear authorization and a practical management system are essential to ensure the proper retention, disposal or archiving of e-mail records. §2-6-212 MCA provides that "no public record may be disposed of or destroyed without the unanimous approval of the State Records Committee". Note §2-6-212, (2) MCA: some e-mails are not records and may be deleted at any time (e.g., spam, external publications, vendor solicitations). See details regarding Non-Records, later in this publication.

## How Long Should I Keep E-Mail?

*You should keep e-mail as long as you keep other public documents, as outlined in state or agency-specific retention schedules.* When e-mail is part of the documentation supporting an agency's function(s) or program(s), it is subject to the same retention requirements as other records, relating to those functions or programs. The State of Montana's *General Retention Schedules* establish retention periods for many records (MOM Vol. I-0800). These, along with agency retention schedules, govern retention of documents regardless of their format or medium. Following approved disposal methods is an obligation. Each agency determines when actual destruction or archiving is appropriate, after the expiration of the retention period. These guidelines are not different from what has been in place for years. What is new is our attempt to help properly manage one segment of the electronic records environment. Remember, retention of e-mail is based completely on its "record value" to the business functions or programs to which it relates. Refer to the Retention Guidelines, following, to learn more about administrative, legal, financial, historic and non-record values. Generally, management positions have a greater proportion of historical e-mail, given the greater degree of policy or procedural content.

## Why Should I Care About E-mail Retention?

*Because e-mail is a public document governed by Montana's Public Record laws and **each user must contribute to its proper retention.*** Organizing and managing e-mail (and other e-files) provides efficient access, maintains confidentiality where needed, reduces legal exposure in discovery or litigation proceedings and will save repository (server) space when practicing deletion or archiving processes. E-mail management should be recognized in each agency's RIM policy and procedures which serve to provide user guidelines for filing, for deleting files that can be and limit liability for deleting records that shouldn't be.

To promote business continuity, e-files – including e-mail – should reside on a network server, accessible by the position or organization, with proper permissions set and work unit procedures established to ensure filing standards are practiced. Deletion of e-mail must follow applicable retention and disposal approval. Proper management of files will make this task easier.

## **What Do I Do?**

Follow the recommendations provided in the Retention Guidelines below, attend e-mail management training, consult your agency Records Custodian and seek help from your technical support staff. If you have further questions about retention, contact the Records Management Bureau at 406-444-9000 or the Historical Society State Archives at 406-444-7482.

## **RETENTION GUIDELINES**

*The content or record value of the e-mail information will determine its retention.* The retention categories include; OFFICIAL, TRANSITORY, PERMANENT and NON-RECORD. The following paragraphs define and describe retention practices for public records and non-records:

### **Official Record Retention: Retain as Required**

These records are generated or received during the course of state government business and in that official capacity must fall into the records series descriptions defined in current retention schedules. Official e-mail retention includes any attachments or transmission data (To, From, Subject, etc.). Examples of e-mail that may be retained include, but are not limited to:

*policies, procedures, regulation;*

*contracts;*

*grievance procedures;*

*medical information;*

*hearings;*

*case/ project files;*

*subject/correspondence files.*

The determining factor for filing and retaining e-mail, with attachment(s), is normally based on the attachment's content. Whereas, e-mail is used to transfer the attachment(s). However, e-mail can serve as a stand alone document or become an enhancement to the document attached. In many cases, to save time and more efficiently distribute information, an entire document is encompassed in the e-mail format and therefore becomes the record.

***Check the state general retention schedules or the agency-specific retention periods.***

### **Transitory Record Retention: Retain as Required**

These records are part of state government business; however, their record value is normally shorter. When disposed, there is no adverse impact on *official* record retentions. Examples include, but are not limited to:

*outgoing transmittal/cover messages* that do not add information to that contained in the transmitted material;

*routine questions and answers* that require no administrative action or policy decision, special compilation or research for reply;

*memoranda and correspondence generated by another agency* and kept by your agency for reference purposes only;

*drafts* other than those filed *in official capacity*, which, at the user's discretion is not the final, official public record and those that provide no unique information that contributes to the functions and purpose of the agency;

*unofficial employee activities* (notices of holidays, charity appeals, etc.);

*informal office notes* ("John returned your phone call.", "Is the meeting still on?").

***These types of records are not official records and should be kept until their usefulness is exhausted (Refer to Official Record Retention: Retain as Required).***

## Permanent Record Retention: Retain as Required

These records are part of state government business and their existence documents an entity's organization; how and why it functions; its pattern of action and decision-making; its policies, procedures, and achievements; and serves to substantiate the accountability of the office. These records are **historically significant and therefore must be retained permanently**. Examples include, but are not limited to:

*substantive correspondence and memoranda;*

*substantive subject files (strategic planning, reorganization, pay plans, legislative sessions, etc) ; minutes;*

*administrative rules;*

*records of births, deaths and marriages;*

*corporate charters;*

*critical environmental data and reports;*

*specific project, subject or case files;*

*hearing transcripts, court decisions, board rulings, etc.*

***Print these types of e-mails and offer to the State Archives, after retention is met.***

***Make sure the transmission data is with the message.***

***Don't forget to print attached documents.***

## Non-Records: No Retention Required

Non-records can be defined as record types that are generated by an external source and are not your responsibility to maintain. The following are document examples that may be deleted, at any time:

*Notices* without official business value after receipt and review;

*Junk mail* (i.e., spam, vendor solicitations, promotional materials, reference files copied or downloaded from internet sites, or other unsolicited non-record messages);

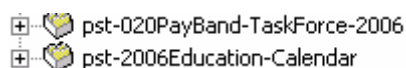
*Secondary copies* generated by another agency or user who, as the originator, has the responsibility for keeping the official "record copy." If there exists *no business value* to retain a secondary record, it is simply a duplicate copy and subject to deletion at will;

*Publications* generated by another entity or user who, as the originator, has the responsibility for keeping the official "record copy", whether coming from a public or private-sector source.

***Delete at will.***

## E-mail Management File System-Mailboxes/Folders/Subfolders

In addition to the Inbox and Sent Items boxes, automatically a part of the mail system, users are encouraged to organize email by folders and subfolders. These folders can reside within your Inbox, Sent Items or personal folders (.pst) that reside on the file server (network) or PC. After brief periods in your mail boxes, messages should be transferred to titled folders or subfolders, specific to the function or program they relate. Folder filing examples:



Please Note: It is strongly recommended that pst folders reside on file servers (network) versus on individual PCs. File servers follow backup/recovery procedures.

### **Distribution Lists**

When establishing a distribution list, designate a record owner. This person becomes the official record holder and should file e-mail into functionally titled folders. If you send to a distribution list (not a listserv, but a specified list of individuals), the data owner or requestor of the list must also keep a copy of the members of that list for as long as required to keep the related official messages. It is of little value to know that a “Security Alert” went to “Swat Team 7” without knowing whether Arnold S. was on the list that received the message. Nicknames present a similar problem. Make sure everyone on the distribution list can be easily identified.

### **Subject Lines**

Fill in the subject line on all e-mail messages. Make the subject concise and meaningful, relating to the e-mail’s content. Subject lines become the file name when an e-mail is saved. Use hyphens and underscores instead of periods, quote marks, slashes, etc. Meaningful subjects help the recipient and sender to identify, file or retrieve messages quickly.

### **Functional Requirements for Recordkeeping Systems**

An electronic recordkeeping system is one in which records are collected, organized, and classified (categorized) to facilitate their use, retrieval, preservation and disposition. The following general guidelines should be considered by state agencies as they approach the management of electronic records, including e-mail:

- Recordkeeping systems allow for related record “grouping”, ensuring proper context.
- Recordkeeping systems must make records accessible to authorized staff, to ensure their usefulness to the agency.
- Recordkeeping systems must preserve records for their authorized retention period, to ensure their availability for agency use, to preserve the rights of the government and the citizens, and to provide accountability to agencies for their actions.

Retention criteria can be applied to each folder via auto archive. Use caution when archiving! The default storage location points to a “buried location” on the PC’s hard drive. The storage location should be changed to a network file server location. For e-mail management training, contact the Secretary of State Records Management Bureau at 406-444-9000.

### **State Policy on Personal Use of E-Mail**

Per the State of Montana’s policy, ENT-NET-042, state provided e-mail services are not to be used “for-profit” or “non-profit” activities, extensive private, recreational, or personal activities, circulating chain letters, etc. The state provided e-mail services are to be used for:

- . the conduct of state and local government business and delivery of government services;
- . transmitting and sharing of information or attached documents among governmental and other business-related organizations;
- . supporting open research and education in and between national and international research and instructional institutions;
- . communicating and exchanging discussion of issues in a specific field of expertise;
- . applying for or administering grants or contracts;
- . announcing requests for proposals and bids;
- . announcing new services for use in research or instruction;
- . and conducting other appropriate state business.

## Appendix I: Definitions

**Archiving:** The process of moving messages to an electronic location onto an electronic medium that meets enduring retention. Archived message must follow a migration plan that will keep the message(s) accessible and readable for the long-term or permanent retention duration.

**Disposition:** The orderly act or method of deleting or archiving messages per approved retention period requirements.

**Draft:** A document constituting preliminary information, which, at the user's discretion, is not the final, official public record. Draft documents are considered works-in-progress, whereas the intent is to produce a finalized version that will serve in that official capacity.

**Electronic Message System:** A computer application used to create, receive, and transmit messages and other documents electronically. Excluded from this definition are file server transfer utilities, computer systems used to collect and process data organized into data files or databases, and other documents not transmitted on an e-mail system.

**Electronic Message (e-mail):** A document created or received via an electronic message system, including formal or substantive narrative documents, brief notes and any attachments, such as word processed or other electronic objects (documents), that may be transmitted with the message and related transmission metadata.

**Non-record:** Non-record e-mail does not fit the definition of a record. It normally includes record types that are generated by an external source and are not your responsibility to maintain. Examples include; unsolicited promotional material and other items not associated with official business.

**Record:** Information created, received and maintained, by an organization or person, serving as evidence of activities or operations and has value requiring its retention for a specific period of time. It can be used in pursuance of legal and regulatory obligations or in the transaction of business. The Montana definition (§2-6-202, MCA) reads: "Any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies thereof, regardless of physical form or characteristics, that has been made or received by a state agency in connection with the transaction of official business and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any agency of the State of Montana."

**Record (Official) Copy:** The record or set of records that need to be retained due to their ongoing administrative, legal, financial and historic values, not necessarily an original. By law, an official record has the legally recognized and enforceable quality of establishing some fact (see MCA 2-6-202 for Public Record definition).

**Record Owner:** The person, usually the creator or designee, responsible for maintaining the record for the duration of its retention period. Appointment of designees should be documented within internal procedures.

**Record Value:** The appraised importance of a record, based on its administrative (operational), fiscal (financial obligation), legal (enforceable) and historic (authentic evidence) content. The record's "value" drives retention requirements, which vary, when one or more value is assessed to a record.

**Records Retention Schedule:** A comprehensive list of records series and/or classification titles indicating, for each series, the length of time that series is to be maintained. Schedules may include retention in active offices areas, inactive storage areas and when such series may be destroyed or formally transferred to another format or entity, such as the State Archives, for historical preservation. Retention periods must be formally adopted by the State Records Committee and are binding on all government employees. *For a copy of the General Records Retention Schedules or an agency-specific schedule, contact or visit the State Records Management Bureau at 406-444-9000.*

**Secondary Record:** A duplicate record or set of records, generated by another agency or user who, as the originator, has the responsibility for retaining the official "record copy," and if the secondary copy has no business value to the receiving party, the record(s) is a duplicate copy and subject to deletion at will.

## **End Note**

E-mail should be treated like any other public record. Delete non-records quickly, keep the important documents as long as appropriate and print anything of enduring value. Electronic records are as official as any other format of record and must follow retention requirements.

By setting up a rational mailbox folder system, users can simplify the decision-making process and aid in filing and retrieval. And, since electronic storage also has associated costs, careful e-mail management will help reduce the stress on that storage.

Realizing that this is a challenge for all of us, the State's Records Management Bureau and the State Archives will respond to agency requests to clarify these guidelines, offer records and information management training and help identify which records need to be kept for a specific period. For a copy of your agency-specific retention schedules, contact your agency's records custodian or the Secretary of State Records Management Bureau at 406-444-9000. For a copy of the state's General Retention Schedules, visit the Secretary of State Records Management webpage, which provides the schedules by number and record type (i.e., General Schedule 3 – Legal and Administrative).

Resist the temptation to save it all “just to be safe.” Not only will we all drown in an electronic tidal wave, saving outdated material may cause more trouble than it avoids. For instance, if records regarding a transaction may be destroyed in five years, but are not, they may be subject to discovery in a legal proceeding. That means more time spent trying to find the records and deal with their possibly forgotten meaning. A court will look for proof that records were properly managed and destroyed. This means according to approved retention schedule(s), with properly authorized records disposal request (RM5). A systematic approach to e-mail management is the best business practice to follow and protects the staff, the agency, and the state.